

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES R. SWARTZ, JR. et al.,

Plaintiffs,

VS.

MARK A. DICARLO,

Defendant.

CASE NO. 1:12CV3112

JUDGE CHRISTOPHER A. BOYKO

ORDER

This Court has reviewed the Report and Recommendation (Doc.#47) of Magistrate Judge McHargh regarding Cross-Claim Defendant Aultman Health Foundation's ("Aultman") Motion to Dismiss (Doc.#6), and Cross Defendant Emeritus Senior Living's ("Emeritus") Motion for Judgment on the Pleadings (Doc.#22). Defendant Mark DiCarlo filed a notice of removal transferring this case to this Court. Included in Defendant's Answer filed in Lake County Common Pleas Court were allegations purporting to assert "claims" against non-parties Aultman and Emeritus. The Magistrate Judge recommends that Defendants Aultman and Emeritus' Rule 12 Motions be GRANTED. Defendant DiCarlo has not filed any objections to the Report and Recommendation.

FED. R. CIV.P. 72(b) provides that objections to a Report and Recommendation must be filed within fourteen days after service, but Defendant has failed to timely file any such objections. Therefore, the Court must assume that Defendant is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a

duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, the Court adopts in full the Report and Recommendation (Doc.# 47) and GRANTS Aultman's Motion to Dismiss and Emeritus' Motion for Judgment on the Pleadings. Both parties are dismissed from this action.

IT IS SO ORDERED.

Dated: 8/6/2013

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE